

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

RUBEN ANDERSON §
v. § CIVIL ACTION NO. 5:13cv130
WARDEN D. GROUNDS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Ruben Anderson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Anderson was ordered to pay an initial partial filing fee of \$1.50 on January 2, 2014. When he did not comply or otherwise respond to the order, the Magistrate Judge issued a Report on February 10, 2014, recommending that the lawsuit be dismissed without prejudice for failure to prosecute or obey an order of the Court.

Anderson has filed objections and supplemental objections to the Report. In his first set of objections, Anderson states that he has written his family “more than five or six times” to ask them to pay the fee, but the mailroom will not let him send out any mail. He also says that his sister called the Court in February to explain why the fee was late, indicating that his family knew that the fee was due.

In his supplemental objections, Anderson again states that he was not allowed to mail any letters to the Court or his family, despite the fact that in the present case alone, Anderson filed his original complaint, two motions for leave to file a supplemental complaint, a motion for conversion

of property, and two sets of objections to the Magistrate Judge's Report. He contends that "a green light has been put on him to be killed" and that he has been "placed on a contract to be murdered" by having his lawsuit dismissed. These latter allegations mirror claims which Anderson has been raising since 2011. *See Anderson v. Kaydo, et al.*, civil action no. 5:11cv138 (E.D.Tex., dismissed August 1, 2012, *aff'd* August 7, 2013) (rejecting claims that officials at the Telford Unit were plotting to have him killed); *Anderson v. Burgess, et al.*, civil action no. 5:12cv50 (E.D.Tex., dismissed April 18, 2013, *appeal dismissed as frivolous and sanction warning issued* November 13, 2013) (rejecting additional claims that Telford Unit officials were plotting to have him killed).

Anderson has not shown good cause for his failure to pay the initial partial filing fee of \$1.50. He does not claim that he is unable to pay; instead, he asserts that the Court "could of [sic] take the fee out of my books like they been doing." As the Magistrate Judge's order made clear, it is Anderson's responsibility to submit the initial partial filing fee. He was clearly able to write letters to the Court, and although he claims that he could not write to his family and ask them to pay the fee, he indicates that his family knew about the fee by saying that his sister called the Court about it. Anderson's objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this case, including the Report of the Magistrate Judge and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections and supplemental objections are overruled and the Report of the Magistrate Judge (docket no. [8](#)) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby
DENIED.

It is SO ORDERED.

SIGNED this 29th day of April, 2014.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE